REMARKS

Claims 1-26 and 29-37 are pending in the instant application (hereinafter, the '686 Application). Claims 27 and 28 are cancelled without prejudice, and may be pursued in a divisional application. Claims 1, 2, 10-13, 16, 25, 29, 33 and 36 are amended to clarify unique features of Applicants' invention, or to correct antecedence or typographical errors.

It is believed that the following remarks attend to all issues presented in the final Office Action dated December 15, 2005. Where used herein, numbered subtitles reflect the numbering of issues presented in the aforementioned Office Action.

I-4. Affirmation of Claim Election

The Examiner requires Applicant's affirmation of the claims elected in a telephone conversation on December 7, 2005. However, the Examiner asks Applicant to affirm the election of "claims 1-16 and 29-36." Office Action, page 3, first paragraph, emphasis added. Respectfully, we believe that this is a typographical error. During the telephone conversation of 12/7/2005, we elected Group I, claims 1-26 and 29-36. We hereby affirm our prior election without traverse of claims 1-26 and 29-36.

Claims 27 and 28 are cancelled, as noted above. We thank the Examiner for his reminder that inventorship must be amended if one or more named inventors is no longer an inventor, due to claim cancellation. However, the cancellation of claims 27 and 28 does not change inventorship of the '686 application.

5-6(s). Claim Rejections – 35 U.S.C. § 102

Claims 1-6, 9-11, 14-18, 20, 23, 25, 29, 30 and 33-36 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,310,833 (hereinafter, "Guyett"). We respectfully disagree.

To anticipate a claim, Guyett must teach every element of the claim and "the identical invention must be shown in as complete detail as contained in the ... claim." MPEP 2131 citing *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor* Co., 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989).

As shown herein below, Guyett does not teach every element of Applicants' claims 1-6, 9-11, 14-18, 20, 23, 25, 29, 30 and 33-36, as amended.

Independent Claim 1: Claim 1 is amended to recite an alarm clock system having:

(a) a remotely operable microphone for sensing sound; and

(b) at least one processor for processing the sound to determine a voice command[[s]] pre-selected by a user for association with a specific alarm function, the processor initiating the specific alarm function upon determining the user-selected voice command.

The amendments to claim 1 are fully supported by the '686 Application. For example, regarding element (a), in one embodiment:

> "A microphone 24 connects with housing 12 via a communications link 26; by way of example link 26 is a wire ***that extends some distance (e.g., fifteen centimeters to ten meters) from housing 12***." Specification p. 6, lines 4-6 of ¶[0029], emphasis added; see also FIGs. 1-2.

Further, regarding element (b):

> "In still another aspect, ***the alarm clock system is programmable so that a user may choose the words associated with a particular function***. A user may thus utilize his preferred voice and words to activate the particular function. By way of example, the alarm clock system may be activated for alarm by saying "Alarm on" by programming the alarm clock system, in a learning mode, to activate the alarm function by speaking 'Alarm on.'" Specification p. 4, ¶[0018], emphasis added.

For example,

> "...When the default sequence is complete (step 94), and if other user commands are to be recorded (step 96), ***the alarm clock system may prompt the user through the display and/or through electronic audible speech to "speak" the desired words associated with the user's intended function (e.g., to start or stop the alarm), step 98***. The words of the user are sensed and logged (step 100) for future reference. Thereafter, until over-recorded, the alarm clock system operates to perform the user's intended function during normal operation 102. " Specification p. 8, lines 16-22 of ¶[0039], emphasis added;

and

> "In one mode of operation, the alarm clock system senses when an alarm on/off button is pressed in step 104. If yes, an icon may be shown on a display of the alarm clock system and/or the alarm clock system may electronically say "speak" in step 106, to prompt the user for the voice command. The words from the user are sensed and logged in step 108, so that the alarm clock system will operate when commanded. In one example of operation 102, the alarm clock system monitors an audible command for a snooze function, in step 114. If the alarm clock system senses a voice command to snooze (e.g., via a "sleep longer" command programmed via steps 96-100), the alarm is temporarily terminated, in step 116, during the snooze period. At the end of the snooze period, the alarm again commences in step 118. The alarm clock system may sense another voice command (e.g., an "alarm off" command programmed via steps 104-108) to turn off (in step 120) the alarm and continue operation 102." Specification pp. 8-9, ¶[0041].

Guyett fails to teach or suggest both elements (a) and (b), above, and therefore cannot anticipate amended claim 1.

For example, the Examiner appears to recognize Guyett's failure to teach a remotely operable microphone, noting in the recent Office Action that Guyett does not teach an electronic wire or a wireless relay for positioning a microphone remotely from a housing. See Office Action p. 9, item 10, first paragraph. We agree, and further point out that Guyett does not teach, depict or even suggest a remotely operable microphone. As Guyett shows and describes, "The microprocessor is connected to the microphone," Guyett col. 5, line 12; FIGs. 1, 3. On the other hand, Applicant clearly shows and teaches a remotely operable microphone. See Specification, ¶[0029], quoted above; see also FIG. 1. For this reason alone, Guyett cannot anticipate amended claim 1. However, amended claim 1 also requires

Guyett is also silent as to commands pre-selected by a user for association with a particular alarm function. Rather, throughout his patent, Guyett describes a system that "...includes speech receiving circuitry for receiving electrical signals representative of the human speech from the microphone and for recognizing ***predetermined input speech phrases*** contained in the speech from the microphone." Guyett col. 5, lines 16-20, emphasis added. For example, Guyett specifies that "the interactive clock, or more specifically the microprocessor and memory portions of the interactive clock, are trained to recognize ***specific*** words and/or phrases

spoken by a specific user." Guyett col. 11, lines 21-23, emphasis added. See also Guyett FIG. 5, box 146 for exemplary specific words/phrases that the program is trained to recognize.

Guyett goes on to recite a process wherein the voice recognition digital clock must recognize such predetermined words or phrases in order to control operation of the clock such as setting time, adjusting volume, etc. See, e.g., Guyett col. 13, line 13 – col. 14, line 38. There is no provision for user-selected phrases to be associated with specific alarm functions. Indeed, it appears that in Guyett, a user is limited to repeating exactly the word or phrase that the Guyett's voice synthesizer requests. The only exception to this rule is when Guyett's clock states "'say your name' as indicated in block 188. At this point, the new user will state their name as indicated in block 190 and the computer system will receive, analyze and compress and store data related to the spoken name as indicated in block 190." Guyett col. 13, lines 24-27; FIG. 7; see also FIGs. 8-11.

This is clearly different from voice commands pre-selected by a user for association with a specific alarm function. And Guyett teaches away from any voice recognition system with capabilities beyond his own, stating:

> "More elaborate real-time voice recognition and synthesized speech requires huge amounts of computational power and memory such that presently available synthesis and recognition systems have been far too expensive to consider for clocks, clock radios and the like." Guyett col. 3, 18-22

We respectfully request the Examiner's withdrawal of the rejection of claim 1, because Guyett does not teach or suggest each and every element of the claims, and in fact teaches away from Applicant's alarm clock system.

Claims 2-6, 9-11, 14 and 15: These claims depend from claim 1, either directly or through intervening claims, and are therefore believed patentable at least because they depend from an allowable base claim. However, there are additional reasons for patentability of claims 2-6, 9-11, 14 and 15, including the following:

Guyett does not teach or suggest the limitations of **claims 2-6** and **9-11**, in the context of claim 1. For example, Guyett does not teach or suggest a processor configurable to initial programming to identify one or more audible words as a user-selected voice command, nor does

Guyett teach or suggest a wireless transmitter that can communicate a specific alarm function, associated with a user-selected command, to a remote device.

Furthermore, contrary to the Examiner's statement, Guyett does not teach or suggest an alarm clock system with a display for showing time and date information, as in **claim 14**. Display 36, FIG. 1 (referenced by the Examiner at page 5, item j. of the pending Office Action) does not show date. Indeed Guyett does not teach a display for displaying date information, at all. Guyett recites only the display (and programming) of time:

> "The digital clock display will provide a 4-digit, 24 hour or alternately, an AM/PM 12 hour display which uses 2 digits for showing hours and 2 digits for showing minutes." Guyett col. 7, lines 12-15.

Guyett makes no provision for programming or setting date. See, e.g., Guyett's training and re-training flow charts 5-14 and related description at col. 10, line 48 - col. 19, line 44, all of which are completely void of any reference to or suggestion of date. Indeed, the only "other sources of information" suggested for display by Guyett are "whether or not one or more alarm functions are set, a separator between hours and minutes, and an indicator of AM or PM in the event a 12 hour display is used." Guyett col. 7, lines 15-19.

Guyett also fails to teach the elements of amended **claim 15**, in the context of claim 1. Therefore, as shown, Guyett does not anticipate claims 2-6, 9-11, 14 and 15. We therefore respectfully request withdrawal of the Examiner's rejection of these claims.

Independent Claim 16: Claim 16 is amended to recite a method for generating an alarm, including the following steps:

(a) automatically sensing sound through a remotely operable microphone;

(b) electronically processing the sound to determine one or more voice commands pre-selected by a user for programming an alarm; and

(c) generating an alarm at a time set by the user-selected voice commands.

The amendments to claim 16 are fully supported by the '686 Application. For example, a remotely-operable microphone (element (a)) is supported at ¶[0029] of the Specification, quoted herein above with respect to claim 1. Voice commands pre-selected by a user are also supported as noted with respect to claim 1.

As previously noted, Guyett does not teach or suggest (a) a remotely operable microphone, or (b) voice commands pre-selected by a user for association with an alarm function (in this case, setting the alarm). Guyett therefore cannot anticipate claim 16, thus, we respectfully request withdrawal of the Examiner's rejection under 35 U.S.C. § 102(b).

Claims 17, 18, 20, 23 and 25: These claims depend, directly or via intervening claims, from claim 16, and therefore benefit from like argument. Further patentable features of claims 17, 18, 20, 23 and 25 include the following:

First, Guyett does not teach the elements of **claims 17** and **18**, in the context of claim 16.

Next, **claim 23** requires initiating the steps of processing the sound by detecting an initializing audible voice command. As supported by the '686 Application, ""After the initializing audible voice command is made, the alarm clock system responds to audible commands such as 'Turn alarm off.'" Specification p. 3, lines 2-4 of ¶[0011]. Contrary to the Examiner's assertion, Guyett does not teach applicant's initializing audible voice command. As recited, Guyett receives speech and analyzes the speech to determine whether any command or instruction is present. Guyett does not teach an initializing command, after which the clock responds to further commands.

Finally, Guyett does not teach Applicant's terminating audible voice command, as presented in **claim 25**. In the pending Office Action, the Examiner contends that Guyett teaches stopping the step of processing the sound by detecting a terminating audible command because "the absence of sound would mean the absence of anything to process," and so the processor of Guyett would naturally stop processing the sound after the voice commands terminate. See Office Action, page 5, item (m).

Respectfully, the Examiner essentially describes the detection of silence after a sound, which is different from detecting an audible voice command. First, silence is not an audible command. Second, it does not logically follow that there would be an absence of sound just because a user stops speaking. There could well be background noise, such as a radio. There is no indication whatsoever that Guyett would stop processing background noise just because a person has stopped speaking. As noted above with respect to claim 16, Guyett does not provide

for any way to filter spoken commands from background noise, thus, Guyett's clock could go on processing the background noise after termination of spoken commands. On the other hand, the '686 Application clearly recites:

> "After the initializing audible voice command is made, the alarm clock system responds to audible commands such as "Turn alarm off." In another aspect, the alarm clock system is turned off by a command such as "Manual setting," whereinafter the alarm clock system will not respond to voice commands other than the initializing audible voice command." Specification p. 3, lines 2-6 of ¶[0011].

Although we believe that claim 25 is patentable as filed, in order to clarify that the terminating audible command is not necessarily simply the last command spoken, claim 25 is amended to recite a preprogrammed terminating audible command. Guyett does not teach a pre-programmed terminating audible command that stops the processing of sound. On the other hand, the '686 Application clearly recites:

> "Voice command data is preferably preprogrammed to system 10 by initial programming. The voice command data may for example include the following voice programming during learning sequencing: "Turn alarm off" to turn an alarm off; "Voice command" to activate system 10 to voice commands; "Set alarm" to set the alarm to a specified time; "Manual setting" so to disable some or all voice commands." Specification p. 6, ¶[0032].

Because Guyett does not teach or suggest every element of claims 17, 18, 20, 23 and 25, there can be no anticipation. We thus respectfully request withdrawal of the Examiner's rejection.

Independent Claim 29: Claim 29 recites a process for setting date and time of an alarm clock system through voice-control, including the steps of:

(a) sensing engagement of a button of the alarm clock system, the button being designated, at least in part, for setting date and time;

(b) if the button is engaged, prompting a user to generate user-selected audible sounds for use in setting date and time;

(c) automatically and sequentially sensing and storing the user-selected audible sounds as voice commands for selecting a plurality of (1) AM or PM, (2) hour of the day, (3) minute of the day, (4) year, (5) month, and (6) day; and

(d) automatically setting the date and time within the alarm clock system based on the audible sounds.

As noted above with respect to claim 14, Guyett does not teach date, at all. Accordingly, Guyett also fails to teach or suggest a process or a button for setting date and time. Thus, Guyett does not teach elements (a)-(d), therefore failing to anticipate claim 29 for at least this reason. However, as we have noted, Guyett also fails to teach or suggest user-selected audible sounds for use in controlling alarm functions such as setting date and time. Rather, Guyett requires a user to speak predetermined words or phrases, else Guyett's clock will not be voice-actuable. Withdrawal of the rejection under § 102 is respectfully requested.

Claim 30: Claim 30 depends from claim 29, and is therefore believed patentable at least because it depends from an allowable base claim.

Independent Claim 33: Claim 33 is amended to recite a process for setting an alarm and a snooze function for an alarm clock system through voice-control, including:

(a) sensing engagement of a button of the alarm clock system, the button being designated, at least in part, for setting the alarm and the snooze function;

(b) once the button is engaged, sensing and storing audible sounds emanating from the user; and

(c) automating alarm and snooze functions of the alarm clock system based on future use of the audible sounds.

The amendments to claim 33 are fully supported by the '686 Application and drawings. For example:

> "In one aspect, the alarm clock system includes a snooze alarm clock feature, whereby the alarm clock system responds to audible user commands to facilitate snooze features. By way of example, an audible command such as "Snooze" may be used to terminate an alarm for a delay such as ten minutes." Specification p. 2, ¶[0009].

In addition, the system may provide:

> "...voice control capability to terminate an alarm until a later time by saying "Sleep longer"—thereby providing like functionality of a snooze button but without requiring hand movement to hit a snooze button." Specification p. 3, lines 2-5 of ¶[0014],

and

> "If the alarm clock system senses a voice command to snooze (e.g., via a "sleep longer" command programmed via steps 96-100), the alarm is temporarily terminated, in step 116, during the snooze period. At the end of the snooze period, the alarm again commences in step 118." Specification p. 9, lines 7-10 of ¶[0041]; see also FIG. 5.

the '686 Application also clearly describes and shows setting an alarm and a snooze function after pressing a button:

> "...the alarm clock system determines whether the learn button is pressed. If yes, and if the alarm clock system is to enter a default programming sequence (step 90), step 92 commences to prompt the user (through the display or through synthetic audible speech from the alarm clock system) to speak...When the default sequence is complete (step 94), and if other user commands are to be recorded (step 96), the alarm clock system may prompt the user through the display and/or through electronic audible speech to "speak" the desired words associated with the user's intended function (e.g., to start or stop the alarm), step 98. The words of the user are sensed and logged (step 100) for future reference...***If the alarm clock system senses a voice command to snooze (e.g., via a "sleep longer" command programmed via steps 96-100***), the alarm is temporarily terminated, in step 116, during the snooze period. At the end of the snooze period, the alarm again commences in step 118." Specification pp. 8-9, line 9 of ¶[0040]-line 10 of ¶[0041], emphasis added; see also FIG. 5.

On the other hand, Guyett does not teach a method for setting a snooze function through voice control. For example, Guyett fails to teach automating a snooze function based upon audible sounds. Guyett requires that a button be pressed in order to snooze:

> "...if the user does not acknowledge the alarm by either ***hitting the snooze button*** or turning the alarm off, the volume output from speaker 42 will increase to at least two additional levels...It will be appreciated that there is also included a ***"snooze" button*** 48 connected to the microprocessor 10 for interrupting the audible alarm from speaker 42 produced by audible alarm generator 44 for a short selected period of time in a manner well

> recognized by those skilled in the art" Guyett col. 7, lines 46-64, emphasis added.

A clock having a snooze button to interrupt an alarm is clearly different from a method wherein snooze functions are automated based on audible sounds. For at least this reason, Guyett does not anticipate claim 33. We thus respectfully request withdrawal of the Examiner's rejection.

Independent Claim 34: Amended claim 34 recites a process of default programming in an alarm clock system through voice-control, including the steps of:

(e) entering a learning mode of the alarm clock system;

(f) prompting the user to speak one word of a sequence of words;

(g) capturing and storing audible sounds corresponding to the user's speech of the one word;

(h) if additional words exist in the sequence of words, repeating steps (b) and (c) to sense and store audible sounds of every other word in the sequence of words;

(i) exiting the learning mode; and

(j) responding to the audible sounds corresponding to one or more of the sequence of words to set time, date **and snooze functions** and to initiate automatic action within and by the alarm clock system, **the automatic actions corresponding to time, date and snooze functions.**

The amendment to claim 34 is fully supported by the '686 Application, for example as shown with respect to claim 33, above. As noted above with respect to claim 33 and also with respect to claims 14 and 29, Guyett is silent as to setting date. Also as noted above, Guyett does not provide for verbally setting snooze functions, nor does Guyett teach or suggest responding to audible sounds to initiate automatic actions corresponding to date or to snooze functions. See, e.g., support for claims 1, 14, 16, 29 and 33. We therefore request withdrawal of the Examiner's rejection of claim 34.

Claims 35-36: These claims depend from claim 34, and benefit from like argument. Furthermore, Guyett does not teach the elements of claims 35 and 36 in the context of claim 34. We thus request withdrawal of the Examiner's rejection.

Given the above-presented amendments and remarks, claims 1, 2-6, 9-11, 14-18, 20, 23, 25, 29, 30 and 33-36 are believed patentable over Guyett. We thus respectfully request allowance of each of these claims.

7-11. Claim Rejections – 35 U.S.C. § 103

Claims 24, 26, 31 and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Guyett. Claims 7, 8 and 19 stand rejected as being unpatentable over Guyett in view of U.S. Patent Application Publication No. US 2002/0095294 (hereinafter, "Korfin"). Claims 12, 13, 21 and 22 stand rejected as being unpatentable over Guyett in view of U.S. Patent No. 6,626,358 (hereinafter, "Breimesser"). We respectfully disagree and traverse the rejection of these claims.

Before addressing the specific grounds of rejection, we note that when applying 35 U.S.C. §103, the following tenets of patent law must be adhered to:

a) The claimed invention must be considered as a whole;

b) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;

c) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and

d) Reasonable expectation of success is the standard with which obviousness is determined. MPEP §2141.01, *Hodosh v. Block Drug Co., Inc.*, 786 F.2d 1136, 1134 n.5, 229 U.S.P.Q. 182, 187 n.5 (Fed. Cir. 1986).

In addition, it is respectfully noted that to substantiate a *prima facie* case of obviousness the initial burden rests with the Examiner who must fulfill three requirements. **First**, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. **Second**, there must be a reasonable expectation of success. **Finally**, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure. (emphasis

and formatting added) MPEP § 2143, *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

9a-b. § 103 Rejections – Guyett:

Claims 24, 26, 31 and 32: The Examiner recognizes that Guyett does not teach voice commands that are "voice command" and "manual setting"; however, the Examiner states that such commands would have been obvious to one having ordinary skill in the art at the time the invention was made. We respectfully disagree; however, we point out that regardless of our dispute, claims 24 and 26 depend from claim 16, which is shown above to be patentable over Guyett. Claims 31 and 32 depend from claim 29, also shown to be patentable over Guyett.

Guyett neither anticipates claims 16 and 29, nor renders these claims *prima facie* obvious. For example, Guyett fails to teach or suggest every element of claims 16 and 29. Courts have ruled that if an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071.5 USPQ2d 1596 (Fed. Cir. 1988). Thus, claims 24, 26, 31 and 32 are allowable at least because they depend from nonobvious base claims.

10. § 103 Rejections – Guyett in view of Korfin:

Claims 7, 8 and 19: The Examiner also recognizes that Guyett does not teach a communications link that is an electronic wire for positioning a microphone remote from a housing, as in claim 7, or a communications link that is a wireless relay for positioning a microphone remote from a housing, as in claim 8. However, the Examiner feels that it would have been obvious to modify Guyett to include a wired or wireless remote microphone as taught by Korfin. We must again respectfully disagree.

Claims 7 and 8 depend from claim 1, and claim 19 depends from claim 16. We have demonstrated that Guyett does not teach, depict or suggest each and every element of amended claims 1 and 16. For example, Guyett does not teach or suggest voice commands that are pre-selected by a user for association with particular alarm functions.

Adding Korfin does not remedy these failures. Korfin does not teach or suggest any type of alarm clock system, and is in fact *completely* silent as to any type of alarm. Nor does Korfin provide for user-selected voice commands.

Because Guyett in view of Korfin does not teach or suggest every element of independent claims, the combined documents cannot render claims 7, 8 and 19 *prima facie* obvious. Withdrawal of the Examiner's rejection is therefore respectfully requested.

11a-d. § 103 Rejections – Guyett in view of Breimesser:

The Examiner next states that claims 12, 13, 21 and 22 would have been obvious upon consideration of Guyett in view of Breimesser. Again, we must respectfully disagree.

As noted above, in order to establish *prima facie* obviousness, there must be suggestion or motivation to combine references; reasonable expectation of success, and teaching or suggestion of all of the claim limitations. We have shown that Guyett can not and does not teach all of the limitations of independent claim 1, which provides antecedence for claims 12 and 13, or of independent claim 16, which provides antecedence for claims 21 and 22.

Combining Breimesser with Guyett does not establish *prima facie* obviousness. For example, among multiple failings not mentioned herein, Breimesser does not teach or suggest:

- a remotely operable microphone (required in both claims 1 and 16);
- voice commands (required in both claims 1 and 16);
- user-selected voice commands, or
- processing sound to determine voice commands (required in both claims 1 and 16).

For example, Breimesser does not provide for any type of verbal or otherwise audible input to his pocket monitor. Rather, Breimesser specifies that "the pocket monitor is provided with an identification circuit for enabling the display device. Such an identification circuit can contain either a fingerprint sensor or can be connected with a PIN code input device. In the case of a PIN code input device, instead of a keyboard for the input of the PIN code (as is normal), a

cursor key is provided with which numbers can be selected on the display." Breimesser col. 1, lines 48-54.

Because Breimesser provides only for tactile (e.g., typed) input into his pocket monitor, there is no need to provide for processing sound. Accordingly, Breimesser is completely silent as to voice commands, and certainly provides no teaching or suggestion of pre-selected voice commands that are chosen by a user. Indeed, Breimesser teaches against a user (e.g., a patient) being able to select commands for controlling specific functions of his pocket monitor, reciting: "The pocket monitor ***has no input possibility*** so that the stored patient data cannot be changed at all and can only be supplemented with additional data, e.g. the time that medication was administered." Breimesser col. 1, lines 43-46, emphasis added.

Furthermore, Breimesser limits user control over alarm functions to simply turning an alarm off, and then only by pressing a sensor or key on the pocket monitor:

> "After such an alarm, the user must first activate the identification means, i.e. press, for example, the fingerprint sensor 4 shown in the exemplary embodiment, and subsequently the appropriate medication notice or the information regarding which treatment step the user must perform, e.g. whether as a diabetic an injection is needed, or the like appears on the display 3. The fingerprint sensor 4 thus also a servers as a confirmation input key, the actuation of which indicates the user has perceived the alarm. regarding which treatment step the user must perform, e.g. whether as a diabetic an injection is needed, or the like appears on the display 3." Breimesser col. 3, lines 29-40.

The combination of Guyett and Breimesser clearly fails to teach or suggest pre-selected voice commands chosen by a user for association with specific alarm functions. Guyett in view of Breimesser therefore fails to teach or suggest all of the limitations of independent claims 1 and 16, and, by extension, the limitations of their respective dependent claims 12, 13 and 21, 22.

In addition, we note that:

> "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992).

We contend that Breimesser is not in the field of Applicant's endeavor, and is therefore non-analogous art. The instant application concerns a voice commanded alarm clock system, while Breimesser describes a pocket monitor for credit-card type patient cards. An applicant concerned with a voice commanded clock would not look to the art of monitoring medication and treatment of a patient, for a solution. In particular, one concerned with a clock subject to voice command would not look to patient monitoring that is subject only to tactile (e.g., key-press) input. Because Breimesser is non-analogous art, we contend that there would be no motivation to combine references.

Guyett in view of Breimesser therefore fails (on multiple counts) to establish a *prima facie* case of obviousness over claims 12, 13, 21 and 22. Withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

New Claims

Claims 37-39 are also fully supported by the '686 Application, and are believed patentable over all references cited in the Office Action of December 15, 2005.

For example, as argued, none of the cited references provide for pre-selected voice commands chosen by a user for association with specific alarm functions. Exemplary support for the specific alarm functions recited in claim 37 includes:

- activating an alarm – see ¶¶[0018]-[0019];
- setting an alarm – see ¶¶[0021] and [0030];
- turning an alarm off – see ¶¶[0018]-[0019];
- initiating a snooze period – see ¶¶[0009], [0014], [0031] and [0041];
- turning on a radio – see ¶¶[0007]–[0008];
- setting time – see ¶[0010];
- setting date – see ¶[0010];
- initializing the alarm clock system to respond to one or more other voice commands – see ¶¶[0010]-[0012]; ¶¶[0031]-[0032], and

- controlling a remote electronic device – see ¶[0007].

New claim 38 depends from claim 13, and further recites wirelessly transmitting a signal to an electronic device, to turn the electronic device on or off. Support for new claim 38 is for example found at ¶[0007] of the Specification.

New claim 39 is an independent claim reciting a method for generating an alarm, including:

(a) automatically sensing sound through a microphone;

(b) electronically processing the sound to determine one or more first voice commands;

(c) generating an alarm at a time set by the voice commands;

(d) automatically sensing sound through the microphone while the alarm is playing;

(e) electronically processing the sound to filter out the alarm sound and determine a second voice command;

(f) temporarily suspending the alarm as a function of the second voice command; and

(g) re-starting the alarm after a pre-determined period of time without a voice command.

First and second voice commands are supported throughout the '686 Application, for example as follows:

> "Once in this mode, for example, a user may set an alarm within system 10 by using a command such as 'Set alarm'. In another example, once an alarm goes off through speaker 28, a user may initiate a snooze command by saying, for example, 'Snooze.'" Specification p. 6, lines 4-6 of ¶[0031].

Steps (e)-(g) are for example supported in the following recitations:

> "In one aspect, the default programming has a default interval (e.g., eight seconds) between each of the words or numbers. This interval helps filter other noises out of the alarm clock system. In one example, the user at an interval makes a voice command such as "Stop The Alarm" or "Sleep Longer." Specification p. 4, ¶[0016]; and
>
> "This interval setting enables easy operation within an actual living environment, allowing the processor to identify a voice signal and subsequently execute the appropriate related command while ***filtering out background noise, including the sound of the alarm itself.***" Specification p. 4, ¶[0017], emphasis added.

Guyett is silent as to filtering out an alarm to detect a second voice command, notably because in order to turn off Guyett's alarm, the user must "acknowledge the alarm ***by either hitting the snooze button or turning the alarm off***...Thus, there is also shown a switch circuit 46 for selecting alarm 1, alarm 2, or both alarms 1 and 2. Switch 46 will also include an "off" position for disabling the alarm. It will be appreciated that there is also included a "snooze" button 48 connected to the microprocessor 10 for interrupting the audible alarm from speaker 42". Guyett col. 7, lines 47-59.

Further, as previously noted with respect to claim 1, Guyett does not teach or suggest suspending and re-starting an alarm as a function of a voice command.

Breimesser is completely silent as to steps (a)-(g). Furthermore, Breimesser is non-analogous art.

Korfin is absolutely silent as to any type of filtering. Korfin does not teach or suggest any type of alarm clock system, and is in fact completely silent as to any type of alarm. Nor does Korfin provide for user-selected voice commands. Further, temporary suspension and re-starting in Korfin is performed by pushing a button:

> "The user can, for instance, record a favorite show for the entire season, even if the network later changes the show's timeslot. It can also pause a live TV program and restart it at the user's convenience. ***There is a storage mechanism in the set-top box that digitally records the live show and plays it back when the pause button is released.***" Korfin p. 4, ¶[0010], emphasis added.

As shown, new claims 37-39 are not taught or suggested by the Examiner's cited references.

CONCLUSION

In view of the amendments and remarks presented herein, claims 1-26 and 29-36 are believed patentable over the cited references. The arguments presented herein apply equally to new claims 37-39, thus, all of pending claims 1-26 and 29-37 are believed allowable. We respectfully solicit a Notice of Allowance inclusive of claims 1-26 and 29-37. Should any issue remain outstanding, the Examiner is encouraged to telephone the undersigned attorney to discuss the amendments presented herein, or any outstanding issues regarding the '686 application.

The due date for filing this Response with a Petition for One-Month Extension of Time was Saturday, April 15, 2006. Per 37 C.F.R. §1.7, *"When the day, or the last day fixed by statute or by or under this part for taking any action or paying any fee in the United States Patent and Trademark Office falls on Saturday, Sunday, or on a Federal holiday within the District of Columbia, the action may be taken, or the fee paid, on the next succeeding business day which is not a Saturday, Sunday, or a Federal holiday."*

Therefore, only the One-Month Extension Fee and the fee for one additional dependent claim (claim 37) is believed due. No fee is believed due for new dependent claims 38 or new independent claim 39, given the cancellation of independent claim 27 and dependent claim 28. A Petition for One Month's Extension of Time is submitted herewith, along with authorization to charge the required Petition and excess claims fees to deposit account No. 12-0600. No further fees are believed due; however, if any additional fee is required in connection with this Amendment and Response, please charge the aforementioned deposit account. Should any issues remain outstanding, the Examiner is encouraged to telephone the undersigned agent.

Respectfully submitted,

LATHROP & GAGE L.C.

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